

We can't say enough about how important that is as COVID-19 continues across the United States of America with different variants. I am not saying it is going to be the new normal and continue for the next several years, but we know this: We need Mr. Davidson's help. We need his help effectively and speedily to get broadband deployed to both sectors of our economy—those who are unserved and those who are underserved.

We look forward to advancing this nominee and putting him to work as quickly as possible, and I personally look forward to working with him on these very important issues. There is much to do to leverage the dollars we have made available, but we have to work cooperatively with all parts of the United States to make that a reality.

Nothing could be more important now to upgrading U.S. infrastructure than getting fiber deployed, getting broadband to American homes, and making our grid more secure. With all of these things, I look forward to working with Mr. Davidson, and I appreciate his comments to me about his commitment to those issues as well.

I yield the floor.

VOTE ON DAVIDSON NOMINATION

Ms. CANTWELL. Madam President, I ask unanimous consent that the scheduled vote occur immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Davidson nomination?

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The PRESIDING OFFICER. There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. MERKLEY), the Senator from Georgia (Mr. OSSOFF), the Senator from California (Mr. PADILLA), the Senator from Vermont (Mr. SANDERS), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 60, nays 31, as follows:

[Rollcall Vote No. 4 Ex.]

YEAS—60

Baldwin	Carper	Hassan
Bennet	Casey	Heinrich
Blumenthal	Collins	Hickenlooper
Blunt	Coons	Hirono
Booker	Cortez Masto	Inhofe
Brown	Duckworth	Kaine
Burr	Durbin	Kelly
Cantwell	Fischer	King
Capito	Gillibrand	Leahy
Cardin	Graham	Lee

Lujan	Reed	Sullivan
Manchin	Romney	Tester
Markley	Rosen	Tillis
Menendez	Rounds	Van Hollen
Moran	Schatz	Warner
Murkowski	Schumer	Warren
Murphy	Shaheen	Whitehouse
Murray	Sinema	Wicker
Peters	Smith	Wyden
Portman	Stabenow	Young

NAYS—31

Barrasso	Grassley	Risch
Blackburn	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hoeven	Scott (FL)
Cornyn	Johnson	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Thune
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	
Ernst	Paul	

NOT VOTING—9

Cassidy	Klobuchar	Padilla
Feinstein	Merkley	Sanders
Hyde-Smith	Osoff	Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 465, Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

Charles E. Schumer, Maria Cantwell, Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen, Jeanne Shaheen, Jack Reed, Tina Smith, Thomas R. Carper, Mazie Hirono, John W. Hickenlooper, Edward J. Markey, Sheldon Whitehouse, Jacky Rosen, Tammy Baldwin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. MERKLEY), the Senator from Georgia (Mr. OSSOFF), the Senator from California (Mr. PADILLA), the Senator from Vermont (Mr. SANDERS), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from Pennsylvania (Mr. TOOMEY).

The yeas and nays resulted—yeas 61, nays 29, as follows:

[Rollcall Vote No. 5 Ex.]

YEAS—61

Baldwin	Grassley	Rosen
Barrasso	Hassan	Rounds
Bennet	Heinrich	Schatz
Blumenthal	Hickenlooper	Schumer
Blunt	Hirono	Shaheen
Booker	Kaine	Sinema
Brown	Kelly	Smith
Burr	King	Stabenow
Cantwell	Leahy	Sullivan
Capito	Lujan	Tester
Cardin	Manchin	Thune
Carper	Markley	Tillis
Casey	Menendez	Van Hollen
Collins	Moran	Warner
Coons	Murkowski	Warren
Cortez Masto	Murphy	Whitehouse
Duckworth	Murray	Wicker
Durbin	Peters	Wyden
Fischer	Portman	Young
Gillibrand	Reed	
Graham	Romney	

NAYS—29

Blackburn	Hagerty	McConnell
Boozman	Hawley	Paul
Braun	Hoeven	Risch
Cornyn	Inhofe	Rubio
Cotton	Johnson	Sasse
Cramer	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lee	Shelby
Daines	Lummis	Tuberville
Ernst	Marshall	

NOT VOTING—10

Cassidy	Merkley	Toomey
Feinstein	Osoff	Warnock
Hyde-Smith	Padilla	
Klobuchar	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 29.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

The PRESIDING OFFICER. The Senator from Illinois, the majority whip.

GUANTANAMO BAY

Mr. DURBIN. Madam President, 20 years ago today, a C-141 Starlifter made its final descent toward a naval base in the Caribbean. As the plane landed, two white schoolbuses waited on the apron, together with a swarm of military humvees and a large contingent of armed soldiers.

The plane door opened, and the passengers were offloaded. Heads shaven, legs shackled, the passengers were removed from the plane one by one, each wearing the same identical outfit: a fluorescent orange jumpsuit, a matching ski cap, and earmuff-style noise protectors. Some were also wearing blackout goggles over their eyes to completely deprive them of any sentient experience.

This was the scene as the first 20 detainees were hauled off to Guantanamo

Bay 4 months to the day after September 11 and the hideous terrorist attacks.

That afternoon, former Secretary of Defense Donald Rumsfeld assured the public and made a statement. Listen to his words carefully. This is what the Secretary said:

We do plan to, for the most part, treat [the detainees] in a manner that is reasonably consistent with the Geneva Conventions.

Madam President, that Orwellian double-talk kicked off a 20-year saga at Guantanamo Bay, a chapter in American history that it is time to close.

As we now know, the detention facility at Guantanamo Bay was deliberately created to avoid the requirements of the Geneva Conventions and other time-honored treaties that America used to brag about being party to. In the words of one senior official in the Bush administration, Guantanamo exists “in the legal equivalent of outer space.” The facility was designed to be a legal black hole, where detainees could be held incommunicado, beyond the reach of laws, beyond public scrutiny, and subjected to torture and unspeakable abuse. It is where due process goes to die.

Perhaps the most shameful lie surrounding the creation of Guantanamo’s detention facility was that it would help deliver justice to the families of the thousands of Americans who died on 9/11.

In March 2002, then-President George W. Bush delivered a speech before Congress where he promised that the terrorists who attacked America on 9/11 would “not escape the justice of this nation.” Yet, two decades later, the families who lost loved ones that day are still awaiting justice. The case against the alleged 9/11 coconspirators has not been resolved. In fact, it has not even gone to trial 20 years later. At this very moment, those terror suspects are sitting in cells in Guantanamo without any resolution in sight.

Think about how the world has changed since September 11, 2001. Osama bin Laden has been hunted down. The war in Afghanistan, our Nation’s longest war, is over. Four Presidents—four different Presidents—have presided over the facility at Guantanamo Bay. But despite all these changes and all this history, one tragic truth remains: America has failed to provide closure to the families of the victims who suffered those unimaginable losses on September 11, and that is simply because Guantanamo was never intended to deliver justice.

If justice delayed is justice denied, Guantanamo speaks for itself, and the documented history of Guantanamo Bay cannot be disputed.

Last month, the Judiciary Committee, which I chair, held a hearing on closing Guantanamo Bay finally, once and for all. One of the witnesses who was particularly touching was Colleen Kelly, whose brother Bill died in the North Tower on 9/11. During her testimony, she said:

Five men stand accused in the military commissions at Guantanamo of responsibility for planning and supporting the 9/11 attacks. Today . . . a trial has not even begun. Instead, family members have heard years of argument in pre-trial hearings. While these hearings have produced no legal justice for 9/11, they have revealed the shocking role of torture in undermining [any] 9/11 prosecution.

At the end of her testimony, Ms. Kelly said:

My brother Bill was killed in what was likely the most public event in human history. My family does not have any of my brother’s remains, nor do one-third of 9/11 families.

She said directly to us:

I am asking this Committee and the Biden Administration to deliver the next best thing—a resolution to the 9/11 Military Commission that provides answers to our questions, accountability for unlawful acts, justice too long denied, and a path to closing Guantanamo.

When Ms. Kelly spoke before the committee, she wasn’t just speaking for her family; she was speaking for our Nation.

For 20 years, Guantanamo Bay has defied our constitutional values and the rule of law. It has actually weakened our national security. It costs us dearly—morally, monetarily.

Listen to the subsidy which American taxpayers give to Guantanamo Bay. It is a subsidy that subverts justice. Today, most Americans couldn’t answer this question: How many detainees are there in Guantanamo? Thirty-nine. Taxpayers spend \$550 million a year to keep that facility open. Do the math. That is almost \$14 million per year on each prisoner.

Moreover, two-thirds of the remaining prisoners have never been charged with any crime. That is right—never charged. Yet they are being detained indefinitely, in violation of our basic constitutional principles.

Of the 27 uncharged men, more than half of them have already been approved for transfer. Think of that. Some have been approved for years. Another was approved just yesterday. These individuals are languishing in Guantanamo for no justifiable reason and contrary to any notion of liberty or justice.

Every day Guantanamo remains open is a victory for our Nation’s enemies. It is a symbol of our failure to hold terrorists accountable and our failure to honor the sacrifices of our servicemembers. These failures should not be passed on to another generation. They should end with the Biden administration.

Last fall, I introduced an amendment to the National Defense Authorization Act to close Guantanamo. It was ambitious, I know, but it was a goal that I felt is most consistent with who we are as Americans and what we say about justice. I was disappointed that the Senate didn’t take up any amendments literally or this amendment particularly. Instead, it voted once again to prohibit the use of Federal funds to

transfer Guantanamo detainees to the United States and made it even harder to transfer detainees to foreign countries willing to accept them. That just delays the Guantanamo experience even longer.

But let me be clear, even with these legislative restrictions in place, there is more the Biden administration can and must do to accelerate the closure of Guantanamo.

First, the administration should repatriate or resettle the 14 detainees who have been cleared for transfer. There is no excuse, none, for any further delay, which is why President Biden should appoint a special envoy at the State Department to negotiate transfer agreements with other nations.

Additionally, the Biden administration should appoint a senior official within the White House who will be accountable for leading the process of closing Guantanamo.

Finally, the Justice Department should bring its legal positions in alignment with President Biden’s stated goal of closing Guantanamo in his first term. The Department has yet to correct course on a number of troubling legal positions, including failing to acknowledge that our Constitution’s due process clause applies to prisoners held in Guantanamo.

It is time to stop hiding from our values. Our Federal courts have proven more than capable of handling even the most serious and complex terrorism cases. They have done so swiftly and efficiently.

Since 9/11, hundreds of terrorism suspects have been tried and convicted in our Federal court system. Many are now being held safely in Federal prisons. Meanwhile, as I mentioned, the case against alleged conspirators in the 9/11 attacks still has not come to trial. In the face of unimaginable horror, such as the attacks on the World Trade Center and the Pentagon, we must turn to our system of justice to hold our enemies accountable. Legal black holes like Guantanamo are anathema to American values and accountability.

One of the military officials who testified in last month’s hearing was Michael Lehnert. He was the very first commandant at the facility at Guantanamo. Where does he stand today on that facility? He is calling publicly for its swift closure.

During his testimony, General Lehnert said that “most of America has forgotten about Guantanamo. But hear me when I tell you that our enemies have not. Closing Guantanamo responsibly restores the reputation of America,” the general said, “ensures accountability for those who have committed crimes against us, and provides closure for the families of those they have harmed.”

By allowing Guantanamo to remain open, we are giving our enemies the power to define who America is. It is time to reclaim that power and prove to the world that America is not a nation defined by our darkest moments.

We are a nation defined by our values. Let us start living up to them.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Mississippi.

ELECTIONS

Mr. WICKER. Mr. President, a few years back, I was watching a television news show and I saw video that struck me as strange. It was a video taken by a security device outside of a residence. Basically, someone is knocking on the door—multiple doors at this particular apartment—and the person knocking on the door basically said this: I am a volunteer for the Democratic Party, and I am here to collect ballots from those who wish to vote Democrat in the next election.

I found that strange until I learned that that practice called ballot harvesting is perfectly legal in the State of California; in other words, it is all right for me as a volunteer for my party to go and knock on the door and say: I am here to collect your absentee ballot but only if you are voting for the candidate I am for.

That is perfectly legal. That is called ballot harvesting. I hope my colleagues can see the opportunity for abuse in this particular practice.

I think most State legislatures that have prohibited this sort of practice see the opportunity for abuse. What is to stop me from saying, “Knock. Knock. Knock. I am a volunteer for party X, and I am here to collect ballots for people who like to vote for candidates of party X,” getting those ballots and then perhaps forgetting to turn them in or perhaps losing them or not turning them in at all?

That sort of practice is rife for abuse, and I think it is the reason that most States prohibit that.

Soon we will be taking up a bill, which I am told, if it comes to us in the form that it is in now, would allow that sort of ballot harvesting. To me, if California wants to try this, that is their right. I think it is rife for abuse, and I wish they wouldn't do it. But to impose these sorts of requirements on the rest of the Nation—our friends on the other side of the aisle propose this week to vote on destroying a provision that has served this Senate and this Republic well for over two centuries, and that is what is known as the filibuster but what I call the consensus-building, 60-vote rule.

This is a time-honored way that this body has been unique, and it has enabled us to craft some of the most long-lasting and widely accepted legislation in the history of this Republic. The Civil Rights Act of 1994 was passed with consensus because this Senate had to have 60 votes or more. In that case, it may have been a 66-vote rule. The Voting Rights Act of 1965 was passed with that consensus-building technique. Medicare, Social Security—time-honored legislation that has served this Republic and its citizens has been passed with this consensus-building tool.

And the leadership of my friends across the aisle would bring a measure to the floor later this week to repeal that and make us just like the House of Representatives, make us just like every Parliament in socialist countries around the world: majority rule, 51 votes—you get it—destroying that one tool that makes us come together and reach compromise.

And it wasn't just bills passed decades ago. In recent years, during your term and mine, Mr. President, we passed major—major—veterans legislation with Johnny Isakson on one side and BERNIE SANDERS on the other side coming together to build more facilities for veterans, to provide more choice for veterans.

Senator MURRAY of Washington and former Senator Alexander of Tennessee came together with a major rewrite of an education bill. And we did it with the filibuster in place. We had to come to an agreement. We had to get over 60 votes, and the bills were better because of that.

For that reason, in April of 2017, when a Republican President—a President I voted for—said we ought to think about abolishing the filibuster, 28 Republicans signed a letter saying, “Let's don't do that.” They were joined by 32 Democrats and by 1 Independent who caucuses with the Democrats. If I might take the time to read the two short paragraphs:

To Majority Leader MCCONNELL and Democratic Leader SCHUMER:

We are writing to urge you to support our efforts to preserve existing rules, practices, and traditions as they pertain to the right of Members to engage in extended debate on legislation before the United States Senate. Senators have expressed a variety of opinions about the appropriateness of limiting debate when we are considering judicial and executive branch nominations. Regardless of our past disagreements on that issue, we are united—

Said these 28 Republicans and 32 Democrats and 1 Independent—

[we are united] in our determination to preserve the ability of Members to engage in extended debate when bills are on the Senate floor.

And now I am told, unless I have been sadly misinformed, that every Senator from across the aisle, save two—save two—are prepared to go against what was specifically said in this letter and, on election laws, say that we are going to make all the decisions in Washington, DC, and take that away from the States.

I heard the distinguished majority leader say earlier today—and I had to ask about it. I heard the distinguished majority leader say Georgia has, of all things, made it a felony to give water to people standing in line to vote. I sat listening to the majority leader in astonishment. How could that possibly be? It turns out that if a charitable group or if a neutral person wants to come and give somebody water in line in Georgia, that is all right. What is against the law in Georgia is for me as candidate X to come up with a bottle of

water that says “Vote for Candidate X” and give it to somebody in line. Apparently, the people in Georgia in a decision-making role had decided, once you get in line to vote, you are no longer fair game. Politicians should leave you alone once you get in line to vote.

It is not a matter of giving somebody water; it is a matter of electioneering: Hi. I am ROGER WICKER, running for Senator. Here is a bottle of water. I hope you will remember me in another 50 feet when you get into the polling place.

The people of Georgia, in their wisdom, have decided that is going too far.

And I am told—and perhaps the distinguished majority leader could come to the floor and correct me and I would stand corrected if he did—I am told that it is against the law in New York to do the same thing. Once you are in line in New York, somebody comes and hands you something that advocates for one candidate or another, that is forbidden not only under Georgia law but under New York law—and I can see the wisdom in that.

Two months ago, there were two amendments to the New York Constitution that were presented before the voters—the November 2 election, 2021, in the State of New York. One would have deleted the current requirements that a citizen be registered to vote for 10 days. In my State, you have to be registered for 30 days. In New York State, it is 10 days. The law is you have to be registered for 10 days or you can't vote. A proposition was put on the ballot to eliminate that, allow same-day registration. Guess what the voters of New York did on that proposal a short 2 months ago. They voted 56.3 percent no against that.

Are we to assume that the voters of the State of New York are Jim Crow on steroids, as the President of the United States would suggest or can we possibly assume they thought a 10-day period before voting was appropriate and that we should keep it that way? I choose to think that we want 30 days in Mississippi. If Maine wants same-day registration and if the voters of New York say 10 days is all right by a double-digit margin, they have the right to do that.

And, again, if the distinguished Democratic leader can prove me wrong, I would accept that and apologize to him for that.

There was another issue on the ballot, and I hope not to take too much more time because I see my distinguished colleague from Louisiana here. The amendment would have deleted the requirement that an absentee voter give an excuse, and these are the excuses you have in New York right now. You have to be able to—unable to appear because of absence from the county or because of illness or physical disability. That is a requirement in New York. Somebody put on the ballot: Delete that requirement. Guess what the voters of New York decided. They decided to keep that requirement by a